IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32543 of 2008

1. MANTU KEWAT
2. PINTU KEWAT @ GULABI ……. PETITIONERS

Versus

THE STATE OF BIHAR …….. OPP. PARTY

For the petitioners : - Sri Ashok Kumar, Advocate
For the O.P. : - Sri D. Mehta, APP

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3. 11.11.2008 Heard Sri Ashok Kumar, Advocate for the petitioners and Sri D. Mehta, APP for the State.

The two petitioners are named in a case under Sections 364 & 302 of the IPC and are in custody since December and October, 2006 respectively. The ground for bail is that similarly situated accused Upendra Gope has been admitted to bail by a bench of this court on ground that the identity of the child, who was taken away, has not been established by the statement of the witnesses and that the said accused Upendra Gope had remained in custody for about two years.

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I have heard the learned counsel for the informant as well and he has taken me through the case diary specially paragraph 52 and that clearly indicates that the petitioners and other accused persons were seen taking away the boy Raja Kumar, who was subsequently murdered. In that view of the material, it appears that the bench of the court was

misled to pass an incorrect order as the true because the case diary was not placed before it. As regards the complicity, it is established.

The petition is dismissed.

DKS/ **(Dharnidhar Jha, J.)**

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